

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
vs.)	CASE NO. DNCW3:00CR103-2
)	(Financial Litigation Unit)
)	
PERRY RAY SWINK,)	
Defendant.)	

ORDER OF EXECUTION

A judgment was entered on December 13, 2000, (Doc. No. 8) in the United States District Court for the Western District of North Carolina, in favor of the United States of America and against Defendant, Perry Ray Swink, in the sum of \$55,893.96. The balance on the account as of September 3, 2015 is \$ 29,624.35.

On July 27, 2015, the Court entered a Writ of Execution ("Writ") (Doc. No. 13), to Bimbo Bakeries USA, Inc., ("Garnishee"). The parties agree that by virtue of the criminal restitution judgment against Defendant, the United States is entitled to execute on any and all funds held in the name of Perry Ray Swink, or any and all funds in which Defendant has interest, namely funds held in trust on behalf of Defendant under the Bimbo Bakeries USA Savings Plan (the "Plan"), a tax-qualified retirement plan sponsored by Bimbo Bakeries, USA, Inc.

On July 30, 2015, Defendant was served with the Writ, and Bimbo Bakeries USA, Inc. was served on July 29, 2015. Neither Defendant nor Bimbo Bakeries USA, Inc. have filed objections. Upon unopposed motion of the United States, all monies belonging to Defendant held under the Plan, up to the amount of the December 13, 2000 judgment (Doc. No. 8), \$55,893.96, shall be liquidated pursuant to the terms of the Plan for application to Defendant's outstanding restitution

as soon as practicable on or after the earlier of (i) December 6, 2016 (the date Defendant attains age 59½); or (ii) Defendant Swink's severance from employment with his employer, Bimbo Bakeries USA, and any other employer that is treated as a single employer with Bimbo Bakeries USA under the terms of the Plan.

Payment should be made payable to the United States Clerk of Court and mailed to:

Clerk of the United States District Court
401 West Trade Street
Charlotte, NC 28202

In order to ensure that each payment is credited properly, the following should be included on each check: Court Number DNCW3:00CR103-2.

Signed: January 7, 2016



David C. Keesler
United States Magistrate Judge

